

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

SANDRA E. FLUCK, an individual,	)	C.A. No.: 06-188GMS
	)	
Plaintiff,	)	JURY DEMAND OF SIX
	)	
v.	)	
	)	
BELLA VISTA DEVELOPMENT, LLC	)	
a Virginia corporation, BELLA VISTA	)	
TOWNHOME CONDOMINIUM	)	
ASSOCIATION, a Delaware	)	
Corporation, RE/MAX REALTY	)	
GROUP, a Delaware franchise,	)	
WILLIAM J. MITCHELL, individually,	)	
And WAYNE MITCHELLE,	)	
Individually.	)	

**ANSWER OF BELLA VISTA TOWNHOME CONDOMINIUM ASSOCIATION, INC.**  
**TO AMENDED COMPLAINT**

1. Answering defendant is without sufficient knowledge upon which to base either an admission or denial of this allegation.

2. Answering defendant is without sufficient knowledge upon which to base either an admission or denial of this allegation.

3. Admitted.

4. Answering defendant is without sufficient knowledge upon which to base either an admission or denial of this allegation.

5. Answering defendant is without sufficient knowledge upon which to base either an admission or denial of this allegation.

6. Answering defendant is without sufficient knowledge upon which to base either an admission or denial of this allegation.

### **JURISDICTION**

7. Answering defendant hereby re-alleges and incorporates herein by reference its responses to paragraphs one through six.

8. Denied that the amount in controversy exceeds Seventy Five Thousand Dollars (\$75,000.00).

### **FACTUAL ALLEGATIONS**

9. Answering defendant hereby re-alleges and incorporates herein by reference its responses to paragraphs one through eight.

10. Denied.

11. Answering defendant is without sufficient knowledge upon which to base either an admission or denial of this allegation.

12. Denied.

13. Denied.

14. Denied.

### **COUNT I CLAIM AGAINST BELLA VISTA DEVELOPMENT, LLC**

15. Answering defendant hereby re-alleges and incorporates herein by reference its response to paragraphs one through fourteen.

16. No answer required of this defendant.

17. No answer required of this defendant

### **COUNT II CLAIM AGAINST BELLA VISTA CONDOMINIUM AND TOWNHOME ASSOCIATIONS**

18. Answering defendant hereby re-alleges and incorporates herein by reference its response to paragraphs one through seventeen.

19. Denied.

20. Denied.

**COUNT III  
CLAIM AGAINST WILLIAM J. MITCHELL**

21. Answering defendant hereby re-alleges and incorporates herein by reference its responses to paragraphs one through twenty.

22. No answer required of the answering defendant.

23. No answer required of the answering defendant.

**COUNT IV  
CLAIM AGAINST RE/MAX REALTY GROUP**

24. Answering defendant hereby re-alleges and incorporates herein by reference its responses to paragraphs one through twenty three.

25. No answer required of the answering defendant.

26. No answer required of the answering defendant.

27. No answer required of the answering defendant.

**COUNT V  
CLAIM AGAINST WAYNE MITCHELL**

28. Answering defendant hereby re-alleges and incorporates herein by reference its responses to paragraphs one through twenty seven.

29. No answer required of the answering defendant.

30. No answer required of the answering defendant.

**COUNT VI  
CLAIM AGAINST SANDRA E. FLUCK**

31. Answering defendant hereby re-alleges and incorporates herein by reference its responses to paragraphs one through thirty.

32. Denied.

33. Denied.

34. Denied.

35. Denied.

36. Denied.

37. Denied.

#### **FIRST AFFIRMATIVE DEFENSE**

The plaintiff was, herself, negligent in a manner which proximately caused the accident and/or her injuries in that she:

- a. Failed to maintain a proper lookout;
- b. Assumed the risk of injury;
- c. Failed to exercise proper control over her bodily movements in a way that would have reasonably prevented the subject accident and alleged injuries.

#### **ANSWER TO CROSSCLAIM**

Denied.

#### **CROSS CLAIM**

Should there be any basis of liability against the answering defendants, they are entitled to contribution for all defendants found liable.

WHEREFORE answering defendant, Bella Vista Townhouse Condominium Association, Inc. demands that judgment be entered in its favor and prays that the action against it be

dismissed together with the costs of this action.

/s/Charles P. Coates, Esquire

Charles P. Coates, III, Esquire (Bar I.D. 917)

Christiana Executive Campus

131 Continental Drive, Suite 407

Newark, DE 19713-4301

(302) 292-6660

Attorney for Defendant Bella Vista Townhome  
Condominium Association, Inc.

Date: August 28, 2006

**CERTIFICATE OF SERVICE**

I, CHARLES P. COATES, III, ESQUIRE, hereby certify that a true and correct copy or copies of the foregoing document(s):

**ANSWER AND CROSSCLAIM**

were delivered by electronic filing on August 28, 2006 to:

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/s/Charles P. Coates, Esquire

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